



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-HS

25 Nov 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Determination of Public Law (PL) 84-99 Active Status for Flood Risk Management Projects

1. References:

a. Engineer Regulation (ER) 500-1-1, 30 September 2001, Civil Emergency Management Program.

b. Memorandum, CECW-HS, 29 November 2011, subject: Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs).

2. For the past few years, the US Army Corps of Engineers (USACE) has been reconsidering our overall approach and implementation of flood risk management, levee safety, PL 84-99 eligibility and implementation, and eventual transition of levee systems into compliance with our engineering standards. This has resulted in promulgating policy for the System Wide Improvement Framework (SWIF), in research and development efforts, and extensive public workshops with Tribes, States, non-governmental organizations and other stakeholders. To date, we have received and approved 28 SWIF Letters of Intent (LOIs) from across USACE from non-federal sponsors intent on reducing risks and improving their levee systems, and two more sponsors have had their SWIF plans approved. Districts have been engaged in decisions to keep or remove levee systems from the PL 84-99 Rehabilitation Program. Still pending is a draft Programmatic Guidance Letter for the levee vegetation variance policy. Comments from the public and interested parties have been extensive and numerous, and we have had many ongoing discussions with resource agencies.

3. After extensive consideration and new guidance from the Deputy Commanding General for Civil and Emergency Operations (DCG CEO), Major General Peabody, we are reaching a decision on the way ahead. As a first step, we are providing you information regarding a change in policy application for determining eligibility in the PL 84-99 Rehabilitation Program (Chapter 5 of reference 1.a.). This information is intended to preclude misunderstandings and avoid making decisions that could be inconsistent with the new policy direction pending more formal guidance.

4. Effectively immediately and until further notice, districts will suspend rehabilitation eligibility decisions for all flood risk management projects being considered for eligibility (i.e., granting of an Active status based on an Initial Eligibility Inspection for a non-Federal project) or removal of eligibility status (placing any Federal and non-Federal

CECW-HS

SUBJECT: Determination of Public Law (PL) 84-99 Active Status for Flood Risk Management Projects

projects into Inactive status.) This suspension of decisions applies to all categories of flood risk management projects, including levees, channels, floodwalls, and dams.

5. All levee inspections and other Levee Safety Program activities should continue, including working with sponsors and communicating the inspection results. Policy on how to address the issue of a levee system that was recently placed in Inactive status will be developed and provided as soon as possible. Ongoing SWIF actions should continue and any final decisions at HQUSACE regarding acceptance of a SWIF, SWIF LOI, or related actions will be made appropriately. Additional guidance on SWIFs will be provided shortly. Note that this change/suspension also does not affect other Emergency Management / PL 84-99 activities such as preparedness activities, response operations, etc.

6. I know you will have many questions and we have more details to work out. We have established a dedicated team to work on an implementation strategy as quickly as possible and we will continue to provide updates.

7. Request you disseminate this guidance immediately to all appropriate offices. Please refer questions to the respective Program Managers, Ms. Tammy Conforti for Levee Safety, at (202) 761-4649, and Mr. Rob Grubbs for PL 84-99, at (202) 761-4603.



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CECW-HS

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CF:

Deputy Commanding General for Civil and Emergency Operations

Director of Civil Works (CECW-ZB)

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